

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

SERGIO R. TAPIA

Case No. SA:23-MJ-01048

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 24, 2023 in the county of BEXAR in the
WESTERN District of TEXAS, the defendant(s) violated:

Code Section

18 USC § 875(c)

Offense Description

Interstate Communications with Threat to Injure

This criminal complaint is based on these facts:

See Affidavit of United States Park Ranger Caroline Burk attached

☒ Continued on the attached sheet.

CAROLINE BURK

Digitally signed by CAROLINE

BURK

Date: 2023.07.26 13:33:35 -05'00'

Complainant's signature

United States Park Ranger Caroline Burk

Printed name and title

Sworn to telephonically and signed electronically.

Date: July 26, 2023City and state: San Antonio, Texas

Judge's signature

HENRY J. BEMPORAD, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Affidavit in Support of Criminal Complaint, Sergio TAPIA

I, Caroline Burk, United States Park Ranger with the National Park Service, being duly sworn do hereby depose and affirm:

1. On July 25, 2023, while exercising my duties as a law enforcement officer in the Western District of Texas, at approximately 1012 hours while on a duty, I received a report of a disturbing voicemail left on the Mission San Jose Visitor Center front desk phone.
2. When I arrived at the San Jose visitor center and checked the voicemail messages, the phone number of the caller was shown with a 726 area code and the message was recorded on Monday July 24, 2023, at 2233 hours. When the message was played, a male voice is heard speaking and by the voice, tone, cadence, and general way he spoke, I recognized it as belonging to TAPIA, Sergio R. TAPIA is a known individual who has interacted with San Antonio Missions National Historical Park (SAAN) law enforcement on multiple occasions.
3. The caller identified himself as Sergio Tapia multiple times throughout the call and stated his address on Isabel Street, which is TAPIA's confirmed address. The address given is less than half a mile from Mission Concepcion.
4. TAPIA stated "Uh, there's a retarded fat man son of a b**** who is working at Concepcion. Uh, I just want to say his days are numbered. I'm gunna f***ing murder him, he's f***ing dead, I'm gunna shoot him in the f***ing head, okay?" and "He's a fat, he's a bald f***ing son of a b****, okay? I'm gunna f***ing kill him" and "C***sucker, uh he used to work for mission Concepcion and he still works there, he's f***ing dead, f***ing dead, I'll f***ing ki..." [call breaks up] "kill him..." [call breaks up]". At the end of the voice message, TAPIA is heard saying "...Watch" and then there is a sound of a possible gun racking and dry gun fire (i.e. a gun firing without live ammunition). The message lasts approximately 58 seconds. I believe TAPIA was referring to an actual USPR SAAN employee in his call, VICTIM 1.
5. TAPIA has interacted with SAAN law enforcement on eight separate occasions between 06/10/2022 and 05/17/2023. TAPIA's behavior has quickly escalated with each contact with SAAN law enforcement, going from being compliant to resisting, disorderly conduct, possession of methamphetamine, making deadly threats, aggression towards staff and visitors, and being taken into custody for an emergency detention.
6. On one of the contacts I had with TAPIA, he made multiple statements about how he was going to shoot and kill his neighbor. When I asked TAPIA if he had a firearm, TAPIA stated that he did not currently have one, but he knew where one was, and he could go get it.

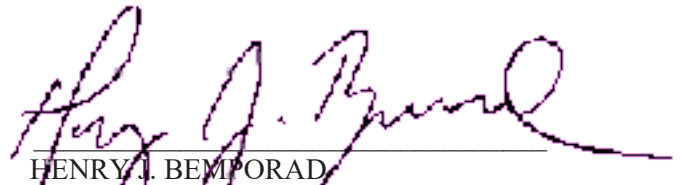
7. Your affiant believes probable cause exists that Sergio TAPIA committed the felony offense of 18 U.S.C. Section 875(c) Interstate Communications with Threat to Injure.

CAROLINE
BURK

Digitally signed by
CAROLINE BURK
Date: 2023.07.26
13:34:44 -05'00'

Caroline Burk, U.S. Park Ranger

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P. 4.1, and probable cause found on the 26th of July, 2023:



HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE